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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,366	07/23/2003	Tushar V. Choudhary		8227

7590 09/20/2005

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,366

Applicant(s)

CHOUDHARY ET AL.

Examiner

Cam N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 26, 2005 (an election/response).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 37-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>originally filed</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Election/Restriction

1. Applicant's election with traverse of Group I, claims 1-36, in the reply filed on August 26, 2005 is acknowledged. The traversal is on the ground(s) that "Both art classes referred to in the Office Action properly would be searched even if the Group II claims did not exist." (applicants' response page 14, third paragraph). This is not found persuasive because the search required for Group II is not required for Group I since the inventions are unrelated and distinct from one another. If both groups are searched, an additional burden is imposed on the Office due to two different search areas being required. The method of Group I invention involves process steps for how to make a catalyst composition; whereas, the method of Group II invention involves process steps for how to remove the sulfur from the hydrocarbon feeds. It is considered the process steps being claimed in two different methods are not the same.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 37-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 26, 2005.

Claim Objections

3. Claims 1 & 16 are objected to because of the following informalities:
- A. In claim 1, step (d), "suitable" (both occurrences) should be deleted.
- B. In claim 16, step (f), "suitable" (both occurrences) should be deleted.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102(b)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sughrue et al., "hereinafter Sughrue", (US Pat. 6,254,766).

Sughrue discloses a process for the production of a sorbent composition which comprises: (a) admixing of zinc oxide, silica and alumina so as to form a mix thereof...; (b) particulating the resulting mix so as to form particles thereof; (c) drying the particulate of step (b); (d) calcining the dried particulate of step (c); (e) impregnating the resulting calcined particulate of step (d) with nickel or a nickel-containing compound; (f) drying the impregnated particulate of step (e); (g) calcining the dried particulate of step (f); and thereafter (h) reducing the resulting calcined particulate of step (g), etc. (see col. 14, claim 7). The mix is in the form of one of a wet mix, dough, part or slurry (see col. 14, claim 8). The particles are in the form of one of granules, extrudates, tablets,

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pellets, or micropores (see col. 14, claim 9). The claimed process conditions are fully disclosed at col. 14, claim 11 & claim 12).

Applicants claiming step (e), which is "recovering said composition" is noted. It is considered the inclusion of this recovering step in the process of Sughrue is inherent in order to collect the most out of the final product resulted from the process.

It is considered Sughrue discloses the claimed process of preparing a composition, thus anticipates the claims.

Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared attached.

Conclusion

7. Claims 1-56 are pending in the application. Claims 1-36 are rejected. Claims 37-56 are withdrawn due to nonelected (distinct) invention. No claims are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn *cnn*
September 01 , 2005

Cam N. Nguyen
CAM N. NGUYEN
PRIMARY EXAMINER

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